IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 16639 of 2004(E)

PETITIONER:

BUS USERS' ASSOCIATION K.V.PALLIPPURAM, REGISTRAR NO.T.916/2004, KENDRIYA VIDYALAYA, PALLIPPURAM P.O., REP.BY ITS SECRETARY, V.M.STALIN S/O. M.VASUDEVAN PILLAI, AGED 40, 'VASUDEV', POTHENCODE P.O., TRIVANDRUM.

BY ADV. SRI.G.S.REGHUNATH.

RESPONDENTS:

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1. **THE ASSISTANT COMMISSIONER, KENDRIYA VIDYALAYA SANGATHAN, SOUTHERN REGIONAL OFFICE, IIT MADRAS CAMPUS, CHENNAI.**
2. **THE PRINCIPAL, KENDRIYA VIDYALAYA, C.R.P.F., PALLIPPURAM, TRIVANDRUM.**
3. **THE CHAIRMAN, PARENT TEACHERS ASSOCIATION K.V.PALLIPPURAM, PALLIPPURAM P.O., TRIVANDRUM.**
4. **THE SECRETARY, PARENT TEACHERS ASSOCIATION K.V.PALLIPPURAM, PALLIPPURAM P.O., TRIVANDRUM.**

W.P.(C). NO.16639/2004:

5. THE STATE BANK OF INDIA,
MANGALAPURAM REP.BY ITS MANAGER.

BY ADV. SRI.V.V.ASOKAN,
SRI.P.G.PARAMESWARA PANICKER SC, SBI,
SRI.P.GOPAL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.16639/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CERTIFICATE DTD. 24/03/2004 OF THE REGISTRAR OF SOCIETY, TRIVANDRUM TO THE PETITIONER.

EXT.P.2: COPY OF THE BYE-LAWS OF THE PETITIONER.

EXT.P.3: COPY OF THE AUTHORISATION LETTER DTD. 23/05/2004 OF THE PETITIONER.

EXT.P.4: COPY OF THE RELEVANT PAGES OF THE BYE-LAWS OF THE KENDRIYA VIDYALAYA SANGATHAN.

EXT.P.5: COPY OF THE LAST PAGE OF THE DAY BOOK OF PTA CONTAINING A STATEMENT OF THE RECEIPT AND PAYMENTS OF BUS MANAGEMENT COMMITTEE.

EXT.P.6: COPY OF THE RECEIPTS ISSUED BY THE R.4.

EXT.P.7: COPY OF THE RELEVANT PAGE OF THE REGISTER.

EXT.P.7.A: COPY OF THE RELEVANT PAGE OF THE REGISTER.

EXT.P.7.B: COPY OF THE RELEVANT PAGE OF THE REGISTER.

EXT.P.8: COPY OF THE AUDIT REPORT ON THE ACCOUNTS OF PTA FUND, BUS FUND AND DONATION ACCOUNT OF K.V. PALLIPPURAM FOR THE YEAR 1993-94 AND 1994-95.

EXT.P.9: COPY OF THE OFFICE MEMORANDUM DTD. 31/07/2003 CONTAINING THE AMENDMENT.

EXT.P.10: COPY OF THE RELEVANT PAGES OF THE MUNUTES OF TRANSPORT COMMITTEE.

EXT.P.11: COPY OF THE MINUTES OF THE JOINT MEETING OF PTA AND TRANSPORT COMMITTEE.

EXT.P.12: COPY OF THE MINUTES OF THE SPECIAL GENERAL BODY MEETING OF THE BUS USING PARENT DTD. 14/02/2004.

EXT.P.13: COPY OF THE LETTER DTD. 29/04/04 RECEIVED BY A MEMBER OF PETITIONER FROM THE KENDRIYA VIDYALAYA XRPF, PALLIPPURAM, TRIVANDRUM.

EXT.P.14: COPY OF THE ACCOUNT REGISTER A/C. NO. 40233 (NOW 01100.60154/00) OF SBI, MANGALAPURAM.

W.P.(C). NO.16639/2004:

EXT.P.15: COPY OF THE REPRESENTATION DTD. 03/05/2004 SUBMITTED BY THE PETITIONER TO THE RESPONDENTS.

EXT.P.15.A: COPY OF THE REMINDER DTD. 17/05/2004 DTD. 17/05/2004 SUBMITTED BY THE PETITIONER TO THE RESPONDENTS.

RESPONDENT'S EXHIBITS:

EXT.R2.A: COPY OF THE MINUTES OF MEETING.

EXT.R2.B: COPY OF THE NOTIFICATION IN MALAYALA MANORAMA DAILY.

EXT.R2.C: COPY OF THE LETTER TO THE DISTRICT REGISTRAR.

EXT.R2.D: COPY OF THE LETTER FROM KENDRIYA VIDYALAYA SANGATHAN.

EXT.R2.E: COPY OF THE COMPLAINT.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 16639 OF 2004

Dated this the 19th day of July, 2007.

J U D G M E N T

The essential grievance raised in this writ petition pertains to a dispute on the ownership of school buses. That dispute evidently is of a civil nature which requires adjudication before the Civil Court. Therefore, without prejudice to the liberty to the petitioner to approach the Civil Court and further making it clear that the time taken for prosecuting this writ petition shall stand excluded in computing the period of limitation, this writ petition is dismissed.

KURIAN JOSEPH, JUDGE.

smp